



**OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
JOHN JOSEPH MOAKLEY UNITED STATES COURTHOUSE  
1 COURTHOUSE WAY - SUITE 2300  
BOSTON, MASSACHUSETTS 02210**



**ROBERT M. FARRELL  
CLERK OF COURT**

**TELEPHONE: 617-748-9152**

**DATE: 9/6/2023**

**IN RE: HIGGINS v. GLYNN**

**CIVIL ACTION NO: 23-12040-LTS**

**NOTICE TO PLAINTIFF**

**Upon receipt of the enclosed forms, you are required to complete the necessary forms and furnish the United States Marshal with the following:**

- ( x ) one copy of the operative complaint (original or amended) for service on each named defendant;**
- ( x ) one copy of any motion, pleading, or order of which the Court has ordered service for each named defendant;**
- ( x ) one original summons for each named defendant;**
- ( x ) one copy of each original summons for service on each named defendant;**
- ( x ) one copy of USM-285 (Process Receipt and Return) for service on each named defendant; and**
- ( x ) one copy of the order(s) approving the application for leave to proceed in forma pauperis and service by the United States Marshals Service (for the records of the United States Marshals Service).**

**Upon completion of each package of the above forms, please forward them to the**

**Office of the United States Marshal  
United States Courthouse  
Civil Section - Room 1500  
1 Courthouse Way  
Boston, Massachusetts 02210**

**RULE 4.1     SERVICE OF PROCESS--DISMISSAL FOR FAILURE TO MAKE  
SERVICE**

- (a)     **Time Limit.** Any summons not returned with proof that it was served within 90 days of the filing of the complaint is deemed to be unserved for the purpose of Fed. R. Civ. P. 4(m).
- (b)     **Showing of Good Cause for Failure to Comply.** Counsel and parties appearing pro se who seek to show good cause for the failure to make service within the 90-day period prescribed by Fed. R. Civ. P. 4(m) shall do so by filing a motion for enlargement of time under Fed. R. Civ. P. 6(b), together with a supporting affidavit. If on the 14th day following the expiration of the 90-day period good cause has not been shown as provided herein, the clerk shall forthwith automatically enter an order of dismissal for failure to effect service of process, without awaiting any further order of the court. The clerk shall furnish a copy of this local rule to counsel or pro se plaintiffs, together with the summons. Such notice shall constitute the notice required by Fed. R. Civ. P. 4(m). No further notice need be given by the court.
- (c)     **Service According to State Practice.** In those cases where the Federal Rules of Civil Procedure authorize service of process to be made in accordance with state practice, it shall be the duty of counsel for the party seeking such service to furnish to the clerk forms of all necessary orders and sufficient copies of all papers to comply with the requirements of the state practice, together with specific instructions for the making of such service, if such service is to be made by the United States Marshal.

*Effective September 1, 1990; amended effective January 2, 1995; December 1, 2009; May 6, 2016.*